

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

MATTHEW BROMLOW, BENNY  
STEWART, and JOHNNY WALTERS,  
individually and on behalf of others similarly  
situated, and on behalf of the general public,

Plaintiffs,

v.

D&M CARRIERS, LLC d/b/a  
FREYMILLER,

Defendant.

Case No. CIV-20-195-D

**ORDER OF DISMISSAL**

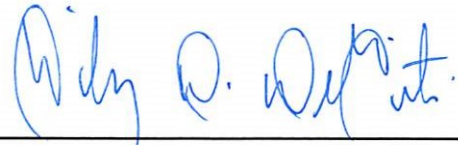
Before the Court is the parties' Joint Motion to Dismiss Plaintiff Benny Stewart With Prejudice, to Dismiss Certain Claims With Prejudice, and for Leave to File a Second Amended Complaint [Doc. No. 104]. The Joint Motion reflects an agreement of the parties to dismiss one party and certain claims, and to allow the remaining parties and claims to proceed under a Second Amended Complaint. Upon consideration, the Court finds that the Joint Motion should be GRANTED as set forth herein.

IT IS THEREFORE ORDERED that:

1. The action of Plaintiff Benny Stewart is severed under Fed. R. Civ. P. 21 and dismissed with prejudice under Fed. R. Civ. P. 41(a)(2);
2. The claims of Plaintiffs Matthew Bromlow and Johnny Walters under California law, specifically Cal. Lab. Code §§ 204 and 226, are severed under Fed. R. Civ. P. 21 and dismissed with prejudice by agreement of the parties;

3. Plaintiffs Bromlow and Walters are authorized to file an amended complaint under Fed. R. Civ. P 15(a)(2) within 7 days from the date of this Order, provided that the amendment shall omit all dismissed claims.

IT IS SO ORDERED this 18<sup>th</sup> day of November, 2020.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge